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Please reply to New Jersey

December 6, 2024

## VIA ECOURTS FILING

Clerk, Middlesex County Superior Court  
56 Paterson Street  
New Brunswick, NJ 08903-0964

RE: **JESSICA KRATOVIL AND BRIAN RAK VS. PISCATAWAY  
TOWNSHIP**

Our File No. : 95781 WSB  
Docket No. : 2:24-cv-10661

Dear Sir/Madam

Enclosed please find the following documents:

- ☒ Answer
- ☒ Designation of Trial Counsel
- ☒ CIS Form

Respectfully submitted,

**METHFESSEL & WERBEL, ESQS.**

William S. Bloom  
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ELH:jrf/Encl.

Methfessel & Werbel, Esqs.  
Our File No.: 95781 WSB  
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Our File No. 95781 WSB

JESSICA KRATOVIL AND BRIAN RAK  
1247 BROOKSIDE ROAD  
PISCATAWAY, NJ 08854

Plaintiff

V.

PISCATAWAY TOWNSHIP  
455 HOES LANE  
PISCATAWAY, NJ 08854

Defendant

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CIVIL ACTION NO.: 2:24-cv-10661

Civil Action

**ANSWER**

Defendant, Piscataway Township, by way of Answer to the  
Complaint filed herein says:

**PARTIES AND VENUE**

1. Admit.
2. Admit.
3. Matter has been removed to Federal Court.
4. Matter has been removed to Federal Court.

**BACKGROUND**

5. Admitted insofar as the Township is a governmental entity  
with various responsibilities defined by law; otherwise denied.

6. Admitted insofar as the Township is a governmental entity

with various responsibilities defined by law; otherwise denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

**COUNT 1 – NEGLIGENCE/DANGEROUS CONDITION**

23. The above is incorporated by reference.

24. Admitted insofar as the Township is a governmental entity  
with various responsibilities defined by law; otherwise denied.

25. Admitted insofar as the Township is a governmental entity  
with various responsibilities defined by law; otherwise denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

**WHEREFORE** the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

**COUNT II – NUISANCE**

30. The above is incorporated by reference.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

**WHEREFORE** the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

**COUNT III – TRESPASS**

35. The above is incorporated by reference.

36. Admit.

37. Admit.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

**WHEREFORE** the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

**COUNT IV – INVERSE CONDEMNATION**

44. The above is incorporated by reference.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

**WHEREFORE** the Defendants demand judgment dismissing the Complaint with prejudice and awarding fees, costs and such other relief as the Court may deem just and equitable.

**AFFIRMATIVE DEFENSES**

**FIRST SEPARATE DEFENSE**

The accident and/or injuries allegedly sustained were caused and/or contributed to by the negligence of the plaintiff and plaintiff's claim, accordingly, is barred or diminished by application of the Comparative Negligence Statute.

**SECOND SEPARATE DEFENSE**

The accident and injuries allegedly sustained were caused and/or contributed to by the acts of third persons over whom this defendant had no control.

**THIRD SEPARATE DEFENSE**

This defendant breached no duty due and owing to the plaintiff.

**FOURTH SEPARATE DEFENSE**

The Complaint herein fails to set forth a cause of action as against this defendant.

**FIFTH SEPARATE DEFENSE**

Plaintiff's Complaint is barred by application of the Entire Controversy Doctrine.

**SIXTH SEPARATE DEFENSE**

Plaintiff's Complaint is barred by the Doctrine of Waiver and Estoppel.

**SEVENTH SEPARATE DEFENSE**

This defendant is entitled to a set off and/or a reduction of any damage award pursuant to N.J.S.A. 2A:15-97 et. seq. in that the alleged accident occurred on or after December 18, 1987.

**EIGHTH SEPARATE DEFENSE**

The claim of the plaintiff is barred by virtue of the Statute of Limitations.

**NINTH SEPARATE DEFENSE**

This defendant is entitled to a set-off and/or reduction of any damage award pursuant to N.J.S.A. 2A:15-5.2 et. seq. in that the alleged accident occurred on or after December 18, 1987.

**TENTH SEPARATE DEFENSE**

Any and all claims of the plaintiff are barred by reason of lack of jurisdiction over the defendant due to lack of service of process.

**ELEVENTH SEPARATE DEFENSE**

Any and all claims of the plaintiff are barred by reason of lack of personal jurisdiction over the defendant.

**TWELFTH SEPARATE DEFENSE**

While denying any negligence on the part of this defendant, should it be adjudged otherwise, then defendant's liability should be limited as provided by the terms and provisions of the Comparative Negligence Act, N.J.S.A. 2A:15-5.1, et. seq.

**THIRTEENTH SEPARATE DEFENSE**

The damages, if any, sustained by the plaintiff are barred or otherwise limited by virtue of the New Jersey Comparative Negligence Laws, N.J.S.A. 2A:15-5.1, et. seq.

**FOURTEENTH SEPARATE DEFENSE**

Plaintiff's claim is barred or should be diminished by virtue of the terms and provisions of N.J.S.A. 59:2-1, et. seq.



**FIFTEENTH SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:3-1, et. seq.

**SIXTEENTH SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:4-1, et. seq.

**SEVENTEENTH SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:5-1, et. seq.

**EIGHTEENTH SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:6-1, et. seq.

**NINETEENTH SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:7-1, et. seq.

**TWENTIETH SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:8-1, et. seq.

**TWENTY FIRST SEPARATE DEFENSE**

The claim of the plaintiff is barred or should be diminished by virtue of N.J.S.A. 59:9-1, et. seq.

**TWENTY SECOND SEPARATE DEFENSE**

At all times mentioned in the Complaint, any and all actions or omissions of these parties relating in any way to plaintiff's alleged damages involved decisions of these parties within an area of non-actionable governmental discretion. By virtue of the said premises, these parties are not liable to any party herein.

**TWENTY THIRD SEPARATE DEFENSE**

This action is barred as to these parties by reason of the failure of the party asserting a claim against these parties to present a notice of claim pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.

**TWENTY FOURTH SEPARATE DEFENSE**

These parties are public entities within the meaning of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq., and, by virtue of the said New Jersey Tort Claims Act and its various provisions, these parties are not liable to any party herein and any recovery by any party herein is subject to the limitations set forth in said Act.

**TWENTY FIFTH SEPARATE DEFENSE**

The damages recoverable in this action, if recoverable at all, are limited by the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, et seq.

**DEMAND FOR DAMAGES**

Attorneys for plaintiff are hereby required and requested to furnish the undersigned within five (5) days with a written statement of the amount of damages claimed in this action.

**JURY DEMAND**

The defendant hereby demands trial by a jury as to all issues.

**METHFESSEL & WERBEL, ESQS.**

Attorneys for Piscataway Township



By: \_\_\_\_\_  
William S. Bloom

DATED: December 6, 2024

**DESIGNATION OF TRIAL COUNSEL**

The Court is advised that William S. Bloom, Esq. is hereby designated as trial counsel on behalf of the defendant(s), Piscataway Township.

**METHFESSEL & WERBEL, ESQS.**  
Attorneys for Piscataway Township

A handwritten signature in blue ink, appearing to read "Will. Bloom", is written over a horizontal line.

By: \_\_\_\_\_  
William S. Bloom

DATED: December 6, 2024

Our File No. 95781

**CERTIFICATE OF MAILING**

The undersigned hereby certifies as follows:

1. I am employed by the law firm of Methfessel & Werbel.
2. On December 6, 2024 the undersigned prepared and forwarded copies of the within Answer to the following parties:

Jennifer Hiller Nimeroff, Esq.  
Weir Greenblatt Pierce LLP  
35 Kings Highway East  
Haddonfield, NJ 08033

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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Jessica Ford